REMARKS

Claims 1-6 are all the claims pending in the application. By this Amendment, Applicants amend claims 1-6. No new matter is added. Reconsideration and allowance of claims 1-6 are respectfully requested in view of the following remarks.

I. Preliminary Matters

Applicants thank the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on April 1, 2005. Applicants also thank the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

The Examiner did not acknowledge that the drawings filed on April 1, 2005 are accepted. Therefore, Applicant respectfully requests the Examiner to check the appropriate box on the form PTO-326 indicating that the drawings are accepted.

II. Prior Art Rejections

Claims 1 and 4-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,652,748 to Jolma et al. (hereinafter "Jolma"). Applicants respectfully traverse this rejection because the reference fails to describe each and every element as set forth in the claims, either expressly or inherently.

Specifically, Jolma does not disclose or suggest "wherein the first receiver and the second receiver use the same code for dispreading," as recited in claim 1 and similarly recited in claim 5.

In conventional techniques, telecommunication systems with two rake receivers are operated as follows:

> the first rake receiver is used to receive the signal in a cell and the second receiver is used, near the boundary of the cell, to receive the signal coming from the adjacent cell. In this case, the first receiver operates **with a first spreading code** applied to all its fingers and the second receiver operates **with a second spreading code**, different from the first, on different channels. This use of two receivers enables the terminal to **go from one cell to the other** [handover] without interrupting the call (emphasis added).

See pages 1 and 2 of the specification as filed. In other words, two different rake receiver are used for a soft handover in which they communicate with at least two base stations of different cells. As a consequence, the rake receivers use different spreading codes, each code provided for a separate cell.

Instead, in one non-limiting exemplary embodiment of the present invention, contrary to the use in a handover procedure, two separate rake receivers are used to receive copies of the same signal in order to deal with multiple paths of the signal caused by reflections from obstacles such as buildings, for example. *See* pages 1 and 5 of the specification as filed. As a consequence, the first and the second receiver are operated with the same spreading code.

It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims mentioned further below.

Jolma relates to "a method for making a handover in a CDMA cellular radio system, which includes in each cell at least one base station connected to the mobile stations in the cell. . . . The base stations with which the mobile station communicates simultaneously, transmit to the mobile station each using a different spreading code" *See* Abstract. Thus, Jolma teaches the use of two rake receivers in a classical handover situation. Such a configuration has been described as prior art in the specification as filed.

Consequently, in Jolma, "the mobile station receives, demodulates and combines each of the signals, transmitted with different spreading codes, by a different rake receiving unit independent of the other units." *See* col. 2, lines 50-61. In other words, although Jolma teaches the use of at least two different rake receiving units, these units operate with different spreading codes in order to receive different signals from different base stations.

Thus, Jolma does not disclose or suggest the first receiver and the second receiver using the same code for dispreading, as recited in claims 1 and 5.

As a result, Jolma does not disclose or suggest each and every element as set forth in claims 1 and 5, either expressly or inherently. Claim 4 is patentable for the same reasons as claim 1.

Claims 2-3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jolma in view of U.S. Patent Application No. 2004/0033791 to Schmidl et al. (hereinafter "Schmidl").

Schmidl has been cited by the Examiner only for its alleged disclosure of a specific time between the spreading sequence (*see* page 4 of the Office Action) and as such does not cure the deficiencies of Jolma. Accordingly, claims 2-3 and 6 are patentable at least by virtue of their dependencies from claim 1.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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